THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11492 of 1997

Dated:23.3.2007

Between
G.Govind Rao

.....Petitioner

and

Andhra Pradesh State Agro Industries
Development Corporation Ltd.,
Rep., by its Vice Chairman and
Managing Director.

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11492 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in holding the petitioner responsible for third party trade debts for a sum of Rs.10.53 lakhs and to recover Rs.1,51,050.94ps at the rate of Rs.1500/- per month with effect from October, 1996 from his salary *vide* proceedings dated 1.4.1997 as arbitrary and illegal and contrary to the service rules of the Corporation.

It appears that the petitioner while working as Regional Manager, at Anantapur in the respondent-Corporation, advanced fertilizers and pesticides to different agricultural organizations amounting to

Rs.11.49 lakhs, out of which, only an amount of Rs.0.96 lakhs was collected and the balance amount to be collected is Rs.10.53 lakhs.

According to the respondent-Corporation, the petitioner alone is responsible for non-collection of the said dues since he utilized the public funds in an irresponsible manner and therefore, it was decided to recover an amount of Rs.1,51,050/- from the salary of the petitioner @ Rs.1500/- per month.

No counter is filed by the respondent-Corporation.

Admittedly, before issuing the said impugned proceedings dated 1.4.1997, no notice of any kind was issued to the petitioner nor any enquiry was conducted into the matter nor any opportunity was given to him to hold him responsible for the loss caused due to his dereliction of duties etc.

Under those circumstances, I am of the opinion that passing of the impugned proceedings by the respondent-Corporation is

in gross violation of principles of natural justice, apart from being contrary to the service Rules of the respondent-Corporation. Therefore, the same is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside. However, this order will not preclude the respondent from conducting a detailed enquiry into the matter after putting the petitioner on notice and hearing him personally.

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23-03-2007

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